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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
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6 **SCOTT TROY COOK,**

7 Plaintiff,

8 vs.

9 **MATTHEW CATE, ET AL.,**

10 Defendants.

CASE NO. 11-cv-06581-YGR

**ORDER GRANTING SUMMARY JUDGMENT  
ON REMAND AND DISMISSING ACTION**

Re: Dkt. Nos. 70, 125

11 In light of the decision of the Ninth Circuit Court of Appeal issued April 12, 2017 (Dkt.  
12 No. 125), and the mandate issued May 4, 2017 (Dkt. No. 126), the Court **ORDERS** as follows:

13 1. The portion of this Court's August 14, 2014 Order (Dkt. No. 89) denying defendants'  
14 motion for summary judgment on due process and qualified immunity grounds is **VACATED**.

15 2. For the reasons stated in the Ninth Circuit's decision, summary judgment is **GRANTED** in  
16 favor of defendants G. Lewis, D. Bradbury, K. McGuyer, M. Cook, E. Fischer, J. Harrison, K.  
17 Berkler, R. Cox, T. Wood, D. Foston, D. Van Leer, R. Graves, J. Diggle, P. Wenning, J. Pieren,  
18 M. Markel, A. Dornback, and D. Jacquez.<sup>1</sup>

19 3. Based upon the foregoing, this action is **DISMISSED**.

20 **IT IS SO ORDERED.**

21 Dated: May 9, 2017



22 **YVONNE GONZALEZ ROGERS**  
23 **UNITED STATES DISTRICT COURT JUDGE**  
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28 <sup>1</sup> Defendants C.E. Wilber, Mathew Cate and F. Jaquez all were dismissed previously by  
the Court's August 14, 2014 Order.